

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CARLOS MERCED

Plaintiff

Civil Action 10-

v.

GEMSTAR GROUP, INC.

GEMSTAR CANADA, INC.

ZIM MEDITERRANEAN

ZIM INTEGRATED SHIPPING SERVICES, LTD.

ZIM-AMERICAN ISRAELI SHIPPING CO., INC.

ZIM INTEGRATED SHIPPING SERVICES, INC.

ZIM INTEGRATED SHIPPING CO., INC.

SDA GLOBAL LOGISTICS, INC.

SECURITY DELIVERY SERVICE, INC.

Defendants

**NOTICE OF REMOVAL**

TO THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT  
OF PENNSYLVANIA:

1. Defendants Zim Integrated Shipping Services, Ltd., Zim-American Israeli Shipping Co., Inc., and Zim Integrated Shipping Services, Inc., (the "Zim Defendants") are defendants in a civil action brought on or about May 19, 2010, in the Court of Common Pleas of Philadelphia County, Pennsylvania. Pursuant to provisions of Section 1441 and 1446 of Title 28 of the United States Code, the Zim Defendants remove this action to the United States District Court for the Eastern District of Pennsylvania, which is the judicial district in which the action was brought.

2. The written consents of all defendants who have been served (signed by these defendants and/or their counsel authorized to sign on their behalf), other than the Zim Defendants, are attached to this Notice as Exhibit "A". Upon information and belief, Defendants SDS Global Logistics, Inc., and Security Delivery Service, Inc., have been served; Defendants Zim

Mediterranean, Zim Integrated Shipping Co., Inc., Gemstar Group, Inc., and Gemstar Canada, Inc., have not been served.

3. On May 19, 2010, Plaintiff, Carlos Merced, filed a Writ of Summons in the Court of Common Pleas of Philadelphia County, Pennsylvania, May Term, 2010, No. 2626. A copy of Plaintiff's Writ of Summons is attached as Exhibit "B".

4. In actuality, there is complete diversity of citizenship between Plaintiff and all Defendants in this action, including those who have not been served, because both at the time of the filing of the state court action and at the time of the filing of this Removal:

- a. Plaintiff is an individual that is a citizen of the State of Pennsylvania . See Exhibit "B".
- b. Defendant Zim-American Israeli Shipping Co., Inc is organized and incorporated under the laws of New York with its principal place of business in Norfolk, Virginia. Defendants Zim Integrated Shipping Services, Ltd., and Zim Integrated Shipping Services, Inc. are organized under the laws of Israel with their principal place of business in Haifa, Israel.
- c. Defendants Zim Mediterranean and Zim Integrated Shipping Co., Inc., are organized and incorporated under the laws of Israel with their principal places of business in Israel.
- d. Defendants SDS Global Logistics, Inc., and Security Delivery Service, Inc., are organized and incorporated under the laws of the State of New York with their principal places of business in New York.
- e. Defendants Gemstar Group, Inc., and Gemstar Canada Inc., are organized and incorporated under the laws of Canada with their principal places of business in Canada.

6. The amount in controversy in this action exceeds \$75,000.

7. Thus, this Court would have had original subject matter jurisdiction over this action pursuant to the provisions of 28 U.S.C. §1441(a).

8. Removal of this case on the basis of diversity of citizenship is not precluded by the provisions of Section 1441(b) of Title 28 of the United States Code because none of the parties in interest properly joined and served as defendants are citizens of the Commonwealth of Pennsylvania, the State in which this action was brought.

9. This Notice of Removal is timely under Section 1446 (b) of Title 28 of the United States Code because Plaintiff's Complaint was served upon the Zim Defendants on May 24, 2010. This Notice of Removal is filed within 30 days of receipt of Plaintiff's Complaint and within one year of the commencement of the action so that it is timely filed under 28 U.S.C. §1446(b).

10. Pursuant to Section 1446(a) of Title 28 of the United States Code, "a copy of all process, pleadings, and orders" served on the Zim Defendants at the time of the removal are attached as Exhibit "C".

**WHEREFORE**, Defendants Zim Integrated Shipping Services, Ltd., Zim-American Israeli Shipping Co., Inc., and Zim Integrated Shipping Services, Inc., pursuant to these statutes and in conformance with the requirements set forth in 28 U.S.C. §1446, remove this action from the Court of Common Pleas of Philadelphia County, Pennsylvania, on this 23<sup>rd</sup> day of June, 2010.

Respectfully submitted

HOLLSTEIN KEATING CATTELL  
JOHNSON & GOLDSTEIN, P.C.

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Zim-American Israeli Shipping Co., Inc.  
Zim Integrated Shipping Services, Inc.

Dated: June 23, 2010.

**CERTIFICATE OF SERVICE**

I certify that the foregoing Notice of Removal has been served upon the following counsel by first class U.S. mail, postage prepaid, this 23<sup>rd</sup> day of June, 2010.

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